

REMARKS

Claims 10-18 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Regarding the Examiner's belief that the Klein publication mentioned in the specification was not cited in an IDS, that belief is false. Applicants submit herewith a courtesy copy of the IDS citing the Klein publication, along with a copy of the stamped postcard establishing that it was received by the PTO. Accordingly, Applicants request that the Examiner initial and return the Form 1449 in the next communication from the PTO.

As for the objection to the drawings, Applicant submits that the amendments to the drawings have obviated this objection.

Claims 10, 14, and 17 stand rejected under 35 U.S.C. § 112, ¶2, for failing to satisfy the enablement requirement. Specifically, the Examiner asserts that the term "pre-equalization" is not supported by an enabling disclosure. Applicants disagree. In particular, at least the discussion of Figure 3 provides an explanation adequate enough to satisfy the enablement requirement. Accordingly, withdrawal of this rejection is requested.

Claims 10-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kleider in view of Bruckert. Kleider does not use pre-equalization of signals to be transmitted taking into account radio channel properties especially symbol interference and/or multiple access interference. Kleider only adjusts power level and/or processing gain, data rate, type of modulation, center frequency. The problem of inter signal distortion does not occur.

Bruckert does teach multi channel usage but the only teaching about inter signal influence is that the cross correlation between different user spreading codes should preferably be zero. The radio channel properties and the problem of inter symbol interference due to imperfections of the radio channel (different propagation paths) is not taken into account. There is also no suggestion to use pre-equalization.

As both references are silent in view of radio channel properties, pre-equalization and/or inter symbol interference it would not have been obvious to reach the claimed matter for one skilled in the art. Accordingly, withdrawal of this rejection is requested.

It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,

Dated: 4/3/08

By: Richard L. Mayer (Reg. No. 41,172)
Richard L. Mayer
Reg. No. 22,490

KENYON & KENYON
One Broadway
New York, NY 10004
(212) 425-7200

Amendments to the Drawings:

Please find attached hereto two replacement sheets of drawings that include amendments to Figures 1-3.